

STATE OF MAINE
PUBLIC UTILITIES COMMISSION

Docket No. 2000-173

March 17, 2000

GTE COMMUNICATIONS CORPORATION
Request to Abandon Service

ORDER GRANTING
REQUEST FOR
TEMPORARY ABANDONMENT
OF SERVICE

WELCH, Chairman; NUGENT and DIAMOND, Commissioners

On February 29, 2000, GTE Communications Corporation (GTE Communications) filed a request to abandon service pursuant to 35-A M.R.S.A. § 1104(1). GTE Communications obtained authority to provide intrastate interexchange service in Docket No. 97-964 under the name GTE Card Service, Inc. In support of its request, GTE Communications states that GTE Corporation, the parent of GTE Communications Corporation, is merging with Bell Atlantic Corporation. Bell Atlantic Corporation owns New England Telephone and Telegraph Company d/b/a Bell Atlantic-Maine, which is a primary provider of interexchange services in Maine. Bell Atlantic Corporation and its operating subsidiaries are subject to the provisions of 47 U.S.C. § 271 and cannot provide interstate or interLATA service without the approval of the FCC. After the merger, GTE Communications will be a subsidiary of Bell Atlantic Corporation and subject to section 271. GTE Communications does not wish to continue to provide intrastate service in Maine if it cannot provide interstate service. We see no reason not to grant its request, as there are a large number of competitive telephone utilities available to provide service to former customers.

GTE Communications states that if Bell Atlantic is permitted to provide interstate service in Maine, GTE Communications intends to resume providing intrastate interexchange service in Maine along with interstate service. We therefore grant the request to abandon on a temporary or indefinite basis. Nothing in 35-A M.R.S.A. § 1104 specifically requires a utility to request, or the Commission to require, that the utility's authority to provide service, granted under 35-A M.R.S.A. § 2102, must be terminated when a utility discontinues its service to the public. Accordingly, GTE Communications shall retain its operating authority under Section 2102, but its authority will be placed on an inactive status. The present discontinuation of service by GTE Communications is effectuated by our approval of its cancellation of its rate schedule and terms and conditions. Without filed rates, terms and conditions, GTE Communications cannot lawfully provide service. At GTE Corporation's request, the effective date of the cancellation of its rate schedules and terms and conditions will be March 31, 2000.

Section 1104 allows the Commission to impose reasonable conditions or requirements on the abandonment of service. Normally, we impose a notice

requirement. GTE Communications states that it has already sent notices to its 150 customers in Maine, along with a \$5 coupon for the cost of switching to another intrastate interexchange carrier. We find the described notice satisfactory.

If Bell Atlantic obtains approval pursuant to 47 U.S.C. § 271 to provide interstate service in Maine, and GTE Communications wishes to resume intrastate service in Maine, it shall provide the Commission with notice and new rates, terms and conditions at least 30 days prior to the date it wishes to resume service. The notice shall refer to this docket number and Order; the fact that GTE Communication's authority under 35-A M.R.S.A. § 2102 was not terminated, but was instead placed on inactive status; and the docket number (97-964) of GTE Communications's original authority.

If GTE Communications decides that it does not wish to resume service, it shall notify the Commission and request that the Commission terminate its authority.

Dated at Augusta, Maine this 17th day of March, 2000.

BY ORDER OF THE COMMISSION

Dennis L. Keschl
Administrative Director

COMMISSIONERS VOTING FOR: Welch
 Nugent
 Diamond

NOTICE OF RIGHTS TO REVIEW OR APPEAL

5 M.R.S.A. § 9061 requires the Public Utilities Commission to give each party to an adjudicatory proceeding written notice of the party's rights to review or appeal of its decision made at the conclusion of the adjudicatory proceeding. The methods of review or appeal of PUC decisions at the conclusion of an adjudicatory proceeding are as follows:

1. Reconsideration of the Commission's Order may be requested under Section 1004 of the Commission's Rules of Practice and Procedure (65-407 C.M.R.110) within 20 days of the date of the Order by filing a petition with the Commission stating the grounds upon which reconsideration is sought.
2. Appeal of a final decision of the Commission may be taken to the Law Court by filing, within 30 days of the date of the Order, a Notice of Appeal with the Administrative Director of the Commission, pursuant to 35-A M.R.S.A. § 1320 (1)-(4) and the Maine Rules of Civil Procedure, Rule 73 et seq.
3. Additional court review of constitutional issues or issues involving the justness or reasonableness of rates may be had by the filing of an appeal with the Law Court, pursuant to 35-A M.R.S.A. § 1320 (5).

Note: The attachment of this Notice to a document does not indicate the Commission's view that the particular document may be subject to review or appeal. Similarly, the failure of the Commission to attach a copy of this Notice to a document does not indicate the Commission's view that the document is not subject to review or appeal.
